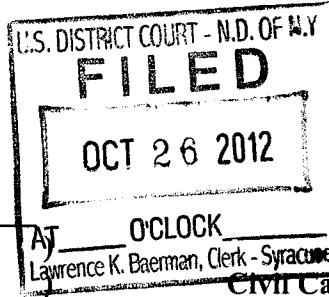


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORKDylan Gibbons

Plaintiff(s)

vs.

S. Prindle

Defendant(s)

Civil Case No.:

CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Dylan Gibbons
Address: Clinton Correctional Facility
PO Box 2001
Mannemora, New York 12929

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: S. Prindle
Official Position: correctional officer
Address: Eastern Correctional Facility
Box 338 Institution Road
Napanoch, NY 12458-0338

FACTS CAUSES OF ACTION

1. The plaintiff Dylan Gibbons was incarcerated at Eastern N.Y. Correctional Facility "Eastern" during the events described in this complaint.
2. Defendant S. Prindle is a correctional officer, employed at Eastern. He is being sued in his individual capacity.
3. Defendant have acted, and continue to act, under color of State Law at all times relevant to this complaint.
4. On January 18, 2012, At approximately 8:42AM the plaintiff was in Eastern's prison yard.
5. Defendant S. Prindle stopped plaintiff in the yard and directed plaintiff to put his hands on the wall for a pat Frisk.
6. plaintiff complied to defendant's orders.
7. Defendant started pat Frisking Plaintiff.
8. When defendant got to plaintiff's lower half of his body defendant rubbed his hand on plaintiff's genitals.
9. plaintiff instinctly moved to get away from Defendant.
10. plaintiff went through the armory door while defendant held on to plaintiff's shirt.
11. Once plaintiff went in the armory defendant pulled out his baton and struck plaintiff in his lower legs 5 times.
12. During this assault the plaintiff recieved a deep gash, numerous bruises and abraision to his Legs.
13. During these events the plaintiff did not resist or threaten the defendant in any fashion or break any prison rules.
14. After the above-described assault, Plaintiff was taken to the Prison infirmary where he was given xrays and treated for the gash and injury's to his legs.
15. Eastern Correctional Facility has been placed on notice of the sexual abusive conduct of defendant by a number of complaints and grievances over many months.

16. The plaintiff Filed a grievance complaining about sexual harassment and use of excessive force by defendant S. prindle, and completed all three steps of the Prison grievance process.

Claims For relief

1. The actions of defendant S. prindle in using physical force against the plaintiff without need or provocation, were done maliciously and sadistically and constituted cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution.
2. The action of defendant S prindle in using physical force against the plaintiff without need or provocation constituted the tort of sexual harassment and assault and battery under the Law of New York.


Prayer For Relief

Wherefore, Plaintiff requests that the court grant the following relief:

1. That the physical abuse ~~of~~ ^{of} the plaintiff by defendant S. prindle violated the plaintiff's rights under the Eighth Amendment to the United States Constitution and constituted sexual harassment and assault and battery under State Law.
2. Award compensatory damages in the following amounts:
\$50,000.00 against defendant S. prindle for ^{the} physical and emotional injuries sustained as a result of the plaintiff's beating and sexual harassment.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 22, 2012


Dylan Gibbons

CERTIFICATE OF SERVICE BY MAIL

State of New York :

ss:

County of Clinton :

I, Dylan Gibbons, hereby certify that I am the plaintiff herein and

served a copy of the following document(s):

Civil Right Complaint 42 USC § 1983 Specify document(s))

on Clerk, US District Court, Federal (Name of person/Addressee)

Building 100 South Clinton Street

at: Syracuse, New York 13261 (Address to which document(s)

were sent)

by mailing and depositing a true and correct copy of said document(s) in a mailbox located at: Clinton Correctional Facility

on the following date: 10/22 2012

I certify that the foregoing is true and correct.

DATED:

10/22/12

Dylan Gibbons

Signature of Plaintiff

AFFIDAVIT OF SERVICE BY MAIL

State of New York :

County of Clinton SS:

I, Dylan Gibbons, being duly sworn, deposes and says: that I am the

plaintiff herein and served a copy of the following document(s):

Civil rights complaint - 42 USC § 1983 (Specify document(s))

on clerk, US District Court Federal building (Name of person/Addressee)

100 South Clinton Street Syracuse,
at: New York, 13261 (Address to which document(s)

_____ were sent)

by mailing and depositing a true and correct copy of said document(s) in a mailbox located

at: Clinton Correctional Facility, PO Box 2001, Dannemora NY 12929

on the following date: October 22 2012

I declare under penalty of perjury that the foregoing is true and correct.

DATED:

Dylan Gibbons

Signature of Plaintiff

Sworn to before me this 22 day of Oct 2012

[Signature]
Notary Public

Harry D. Durgan
Notary Public, State of New York
No. 01DUB003379
Qualified in Clinton County
Commission Expires 6/30/14

FORM I (1)